

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
WESTERN DIVISION**

Christian Employers Alliance,

Plaintiff,

V.

United States Equal Employment
Opportunity Commission, *et al.*,

Defendants.

Case No. 1:21-cv-195-DMT-CRH

MOTION FOR LEAVE TO SUBMIT AN ADDITIONAL FILING

Pursuant to Local Civil Rule 7.1(C), Defendants submit this Motion for Leave to Submit an Additional Filing relating to Defendants’ pending Motion to Stay District Court Proceedings, ECF No. 50 (“Stay Motion”). Defendants asked this Court to stay proceedings pending issuance of the mandate by the Eighth Circuit in *Religious Sisters of Mercy v. Azar*, No. 21-1890 (8th Cir.) (“*Religious Sisters*”), explaining that Defendants were considering filing a rehearing petition in *Religious Sisters*, ECF No. 51, at 1.

Defendants seek leave to file the attached Notice of Supplemental Authority (“Notice”), which explains that on January 23, 2023, two rehearing petitions were filed in *Religious Sisters*: one by Defendants (who are also defendants-appellants in *Religious Sisters*) and another by Catholic Benefits Association, a plaintiff-appellee in *Religious Sisters*. Leave to submit the Notice is warranted because the Notice concerns developments pertinent to Defendants’ Stay Motion, which occurred after Defendants submitted their reply brief in support of the Stay Motion. Counsel for Plaintiff informed Defendants’ counsel that Plaintiff would not oppose this Motion on

condition that the Court also grant leave for Plaintiff to submit a response to Defendants' Notice. Defendants do not oppose the Court granting Plaintiff leave to such a response.

Dated: January 27, 2023

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